

REMARKS

This application has been amended in a manner that is believed to place it in condition for allowance at the time of the next Official Action.

Claims 1-3, 6-7, 11-18, 20-22 and 25-34 are pending in the application. Support for new claims 32-34 may be found in claim 19 and in the present specification at page 16, lines 14-24 and page 8, line 10 to page 9, line 10.

In the outstanding Official Action, claims 1 and 8-10 were objected to for allegedly containing informalities. Claim 1 has been amended to address the objections suggested by the Examiner. Claims 8-10 have been canceled. However, applicant does not disclaim any potential uses or applications for the claimed invention.

Thus, in view of the above, applicant respectfully requests that the objections be withdrawn.

Claims 1, 2, 4, 5, 8, 10, 15-21, 23-25 and 30-31 were rejected under 35 USC 112, first paragraph, for allegedly not satisfying the enablement requirement. This rejection is traversed.

The applicant considers that one skilled in the art could implement an expert system for generating parameters for a deferred-use protocol by utilizing techniques known to one skilled in the art, taking into consideration rules relating to medical practice (how and when safely injecting autologous cells to

a patient) and applying those techniques and rules to process a subject's identity data obtained from successively collected health-status characterizing information.

In this regard, the Examiner's attention is respectfully directed to the following passages in the published application (United States Published Patent Application No. 2004/0138822 A1):

[0092]:

"the expert system embodied in a management system according to the invention can implement known conventional structures of expert systems in the field of biology and biological analysis. The status characterizing information corresponding to a subject or patient are entered into the expert system, in the form of biological items to which a set of rules stored in a knowledge base is applied to generate the subject's identity data."

[0093]:

"For example, it can be referred to US Pat. No 5,694,950 disclosing a method and system for use in treating a patient with immunosuppresants using whole blood level criteria to prevent immune response, that implements an expert system."

[0099]

"The protocol determination process can be advantageously implemented in a expert system processing past experimental and clinical data related to deferred-use cumulated

practice. For example, a deferred-use protocol may comprise as a way of non-limitative example, an optimal time schedule indicating the proposed dates for deferred-use depending on collected personal parameters and therapeutic indications required for cell processing before re-use."

Thus, in view of the above, applicant believes that the disclosure is enabling for the claimed invention.

Claims 1 and 19 were rejected under 35 USC 112, second paragraph, for allegedly being indefinite. This rejection is traversed.

Claims 1 and 19 have been amended to indicate that the claimed invention is directed to a method and system for managing batches of immunocompetent cells.

As to the term "walls", applicant believes that one skilled in the art would understand that cells do have "walls" in that they have cell membranes.

The expression <<paroi d'une cellule>> ou <<paroi cellulaire>> is commonly used by French biologists. A direct English translation has resulted in "wall". However, applicant understands that the term "membrane" may be more appropriate. Therefore, applicant replaces the term "wall" with the term "membrane".

Thus, in view of the above, applicant respectfully requests that the rejection be withdrawn.

Claims 1-4, 8, 15-19, 20, 25, 30 and 31 were rejected under 35 USC 102(a) as allegedly being anticipated by LEFESVRE. This rejection is traversed.

LEFESVRE does not disclose the steps of collecting, during successive collections or batches, information that characterizes the status of health and/or the physiological status of said human or animal subject.

LEFESVRE does not disclose that such status-characterizing information could be obtained by processing measurements made on samples of blood and/or fluid and secretions and/or hair collected from said human or animal subject, or that such status-characterizing information gathering could be effected before or during the immunocompetent cells collection.

Therefore, the claims are not anticipated by LEFESVRE.

Claims 1, 2, 4, 5, 8-10, 15-19, 20, 21, 23, 24, 25, 30 and 31 were rejected under 35 USC 103(a) as allegedly being unpatentable over LEFESVRE, BARNHILL, SCHETTLER, and CHA. This rejection is traversed.

In LEFESVRE, the main problem solved by the disclosed management method was to insure that a patient would retrieve, in case of a need of an autologous re-use, previously collected batches of said patient's immunocompetent cells in a long term. To solve this problem, LEFESVRE has proposed a management process wherein collected cells are stored in a plurality of batches

stored in one or more storage sites, with a safety and preservation concern.

In fact, LEFESVRE does not deal with the progression of a patient's health and does not disclose or suggest the opportunity of successively collecting immunocompetent cells at different periods of said patient's life. Therefore, LEFESVRE does not teach either successively collecting information that are characteristic of said patient's status of health and/or psychological status at each cell collection sequence, or processing said identity information in view of determining a deferred-use protocol.

BARNHILL does not teach or suggest any link between collecting a patient's biological data and collecting and storing - in view of a deferred use of a batch of said patient's immunocompetent cells - at different periods of said patient's life.

SCHETTLER or CHA do not teach collecting a patient's oxidative stress measurement data or haematocrit data in relation with collecting and storing said patient's immunocompetent cells in view of a deferred use.

In this regard, it is believed that BARNHILL, SCHETTLER, and CHA fail to remedy the deficiencies of LEFESVRE.

Indeed, LEFESVRE discloses collecting patient's immunocompetent cells once, putting said collected cells into a plurality of batches and then storing and preserving said batches

in storage centers in view of a deferred use. It would not have been obvious for one skilled in the art of cell storage management to propose a management process including a succession of cell collecting steps for the same patient, combined with collecting health status characterizing information at each of said cell collecting steps.

In fact, in the industrial activity of biological cell management and processing at the time the present patent application was filed, skilled people had been used to manage stocks of anonymous cells obtained from large numbers of donors and selected on the basis of common tissular group characteristics.

Thus, applicant respectfully submits that the above-identified publications fail to disclose or suggest the claimed invention.

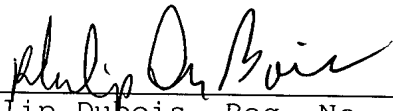
In view of the present amendment and the foregoing Remarks, therefore, applicant believes that the present application is in condition for allowance at the time of the next Official Action. Allowance and passage to issue on that basis is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional  
fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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